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FORESTRY AND RELATED LAWS
OF
SOUTH CAROLINA

[1970]

GENERAL PROVISIONS

- 29-1. STATE COMMISSION OF FORESTRY. --There is hereby created and established a State Commission of Forestry to consist of five members, each of whom shall be a resident of this State and shall be appointed by the Governor. Of this Commission two members shall be practical lumbermen, one member shall be a farmer who is a landowner, one member shall be selected and appointed from the public at large and the fifth member shall be the president of The Clemson Agricultural College of South Carolina. The members of the Commission shall be selected and appointed with reference to their knowledge of and interest in the forests of the State and the products derived therefrom. (1927)
- 29-2. TERMS OF OFFICE OF MEMBERS. --The terms of office of the present members of the State Commission of Forestry are hereby extended from the thirtieth day of May to the thirtieth day of June of the year in which their present terms expire. The successor to the member whose term expires hereunder on June 30, 1953, shall be appointed for a term of five years from that date, and the successors to the members whose terms expire on June 30, 1954, 1955 and 1956, respectively, shall be for a period of six years, and thereafter all appointive members shall be appointed for a term of six years. The president of The Clemson Agricultural College of South Carolina shall continue a member of the Commission as long as he retains his office as president of the college. (1927, 1953)
- 29-3. CHAIRMAN; MEETINGS. --The members of the Commission shall from their number select a chairman whose duty shall be to call the Commission together as often as the public interests and need demand. The place of the meeting shall be designated by the chairman, who shall likewise designate a place for the headquarters of the State Forester. (1927)
- 29-4. REIMBURSEMENT OF EXPENSES. --The members of the Commission shall be paid their actual expenses while in attendance upon the meetings of the Commission or while going to and from such meetings. (1927)
- 29-5. STATE FORESTER SECRETARY TO COMMISSION. --The State Forester shall serve as Secretary of the Commission and shall be custodian of the books, records and papers of the Commission which he shall keep at the headquarters designated by the Commission. (1927)

- 29-6. GENERAL POWERS OF COMMISSION. --The State Commission of Forestry may acquire, own, sell, lease, exchange, transfer, rent, pledge and mortgage real and personal property and cooperate with all agencies of the Federal Government in all matters pertaining to reforestation and providing employment for the benefit of the public and may also cooperate with any other department of government of this State to accomplish the intent and purposes of this chapter, and any and all powers deemed necessary for the Commission to conform to any act of Congress or to any rule or regulation promulgated by any duly authorized agency of the Federal Government is hereby vested in the Commission. (1933)
- 29-7. GENERAL DUTIES OF COMMISSION; ANNUAL REPORT. --The Commission shall inquire into and make an annual report to the General Assembly upon the forest conditions in the State, with reference to the preservation of forests, the effect of the destruction of forests upon the general welfare of the State and other matters pertaining to the subject of forestry and tree growth, including recommendations to the public generally as to reforestation.
- It shall take such action and afford such organized means as may be necessary to prevent, control and extinguish fires, including the enforcement of any and all laws pertaining to the protection of the forests and woodlands of the State.
- It shall give such advice, assistance and cooperation as may be practical to private owners of land and promote, so far as it may be able, a proper appreciation by the public of the advantages of forestry and the benefits to be derived from forest culture and preservation.
- It shall cooperate with the Federal Government in the distribution of funds allotted to the State for forestry purposes and shall assist in the enforcement of all laws pertaining thereto. It shall have the control of expenditure of all funds received by it. (1927)
- 29-8. STATE FORESTER. --The Commission shall appoint and employ a State Forester, who shall be a technically trained forester with at least two years experience in technical, practical and administrative work, and shall fix his compensation. The State Forester shall perform all such duties as shall be directed by the Commission and shall be charged with the direction of all matters relative to forestry as authorized by the provisions of §§ 29-5 to 29-7, subject, however, to the supervision and control of the Commission. The State Forester may be removed by the Commission, if he is, or in the opinion of the Commission becomes, for any cause unsuitable or incompetent. (1927)

29-9. Blank

29-10. Blank

29-11. PALMETTO TREE OFFICIAL STATE TREE. --The palmetto tree is hereby designated and adopted as the official tree of the State. (1939)

29-12. GROWTH AND SALE OF FOREST TREE SEEDLINGS AND TRANSPLANTS. --The State Commission of Forestry may grow forest tree seedlings and transplants and sell the same at a sum not to exceed the average cost of production and distribution to landowners desiring to plant them for reforestation purposes.

No trees shall be sold by the Commission under the provisions of this section that are to be planted for table trees, potted trees or shade trees or for ornamental use; Provided, however, that nothing contained herein shall be construed to prohibit the Commission from growing seedlings or transplants for distribution to be planted on State or Federal lands, public school grounds and other public institutions or along the State highways.

All receipts from the sale of forest tree seedlings or transplants under the provisions of this section shall be paid into the State Treasury and shall become a revolving fund for use by the Commission in the operation of forest tree nurseries. (1929)

29-13. CONVEYANCE OF STATE-OWNED WASTE LAND TO COMMISSION; PAYMENT. --The State Budget and Control Board shall convey to the State Commission of Forestry certain waste lands now owned by such Board or hereafter owned by the State, as in the judgment of the Board may be to the interest of the State for forestry development, reforestation or other uses of the State Commission of Forestry.

Upon the sale of trees, timber or other articles or things upon such lands conveyed to the Commission by the Board or upon the sale of such lands so conveyed, the Commission shall pay to the Board a sum equal to the amount chargeable against such lands at the time of such conveyance. (1929)

29-14. ACQUISITION OF REAL ESTATE TO PROMOTE REFORESTATION, ETC. --The State Commission of Forestry may acquire by purchase, gift or otherwise, submarginal agricultural lands and cutover forest lands in this State at an average price not to exceed five dollars per acre and in no event above ten dollars per acre and use such lands for timber production, demonstration in forestry practices, erosion and flood prevention,

game sanctuaries, public shooting grounds and places of general recreation. (1933)

29-15. ACQUISITION OF LANDS FOR STATE FORESTS. --The State Commission of Forestry may enter into agreements with the Federal Government or other agencies for acquiring by lease, purchase or otherwise such lands as in the judgment of the Commission are desirable for state forests. When lands are acquired or leased under this section the Commission may make expenditures from any funds not otherwise obligated for the management, development and utilization of such areas and may sell or otherwise dispose of products from such lands and make such rules and regulations as may be necessary to carry out the purposes of this section. (1935, 1941)

29-16. ACCEPTANCE OF GIFTS, ETC. --The State Commission of Forestry may accept and hold gifts, donations or contributions from individuals, associations, corporations, counties, municipalities, the Federal Government or other agencies and may acquire real estate for purposes within the powers and duties of the Commission. Any gift, donation or contribution accepted and held by the Commission under the provisions of this section shall be used for the purpose specified by the donor. The Commission may accept conveyances and leases of real and personal property for, in the name of, and on behalf of the State from the Secretary of the Interior of the United States, subject to the terms and conditions of the act of Congress of June 6, 1942 (56 US Statutes 326). (1927, 1929, 1944)

29-17. DISBURSEMENT OF FUNDS. --All of such funds shall be disbursed by the State Treasurer upon warrants drawn by the State Commission of Forestry. (1927)

29-18. SELL, EXCHANGE OR LEASE LANDS. --The Commission may sell, exchange or lease lands under its jurisdiction when in its judgment it is advantageous to the State to do so for the most orderly development and management of state forests, except that no such sale, lease or exchange shall be contrary to the terms of any contract which the Commission has entered into. (1935, 1941)

(When Commission may not lease lands. --The State Commission of Forestry is not empowered to lease lands, that have been deeded to it with a reversion to the grantor if the land is not used for a public purpose, if to do so would restrict the public use and subject the Commission to an action under the reversionary clause. 1963-64 Ops. Att'y. Gen., No. 1682, p. 133.)

29-18.1. EXECUTION OF DEEDS, CONTRACTS, ETC., BY COMMISSION. --Whenever it shall become necessary to execute deeds, mortgages or contracts to carry out any of the provisions of this chapter the Commission may, by resolution duly adopted, delegate the execution and delivery of any such documents to the chairman of the Commission and the State Forester. Such instruments shall be executed in the name of the State Commission of Forestry, shall be signed by the chairman and by the State Forester and, in case of deeds or mortgages, shall be witnessed and probated as required by law. Such instruments, when so authorized by resolution of the Commission, executed as above set out and delivered, shall be in all respects the acts of the State Commission of Forestry and shall be binding upon it as fully as if executed by the members of the Commission themselves. (1951)

29-19. COMMISSION TO MARK AND TALLY FORESTRY PRODUCTS IF REQUESTED BY LANDOWNER. --The State Commission of Forestry may mark or tally trees under approved forestry practices preparatory to the cutting or using of such trees for lumber, veneer, poles, piling, pulpwood, cordwood, and all other forest products when and if requested by the landowner or his agent. The landowner or his agent shall pay to the Commission for such services for forested tracts of five hundred acres or less five percent of the sale price of the stumpage so marked within thirty days following the removal of the timber or ten percent of the agreed upon value of the products so marked and for all forested tracts in excess of five hundred acres such amount on the first five hundred acres and twenty percent of the sale price of the stumpage so marked upon all acres in excess of five hundred. Such amount shall be paid by the Commission to the State Treasurer and by him credited to the Federal revolving fund now in existence, for use for the purpose of this section and for general forestry purposes. (1941)

29-20. CUTTING, ETC., SHRUBS AND TREES IN STATE FORESTS.

--Any person who:

(1) Without permission of the State Commission of Forestry, shall remove any shrub or tree, or attempt so to do, from any State forest;

(2) Shall cut or mutilate any shrub or tree growing in any State forest without such permission;

(3) Shall mutilate or deface any property, real or personal, upon any State forest; or

(4) Shall destroy scenic values, by dumping rubbish or in any other way whatsoever, within the confines of any State forest; Shall be guilty of a misdemeanor and, upon conviction, shall

be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days, within the discretion of the court. (1937)

29-21.

COMMISSION MAY PERMIT TELEPHONE LINE ATTACHMENTS TO ITS POLES; CHARGES. --The State Commission of Forestry may permit telephone line attachments to its poles under such terms and conditions as the Commission deems advisable and charge standard rental rates therefor. But before the Commission shall grant authority for such attachments it shall require the applicant to sign an agreement prescribed by the Commission, setting forth the terms and conditions under which such attachments shall be installed and maintained. (1947)

29-22.

RULES AND REGULATIONS. --The State Commission of Forestry may make such rules and regulations as it deems advisable for the protection, preservation, operation and maintenance, and for the most beneficial service to the general public, of the State forests in this State. (1937)

29-23.

REPAYMENT OF LABOR COSTS. --The Commission may pledge fifty percent of the net income from lands acquired under § 29-14 for the repayment of labor costs incurred under Federal laws pertaining to reforestation, should such be made a requisite by the Federal Government. (1933)

29-24.

BORROWING BY COMMISSION. --The State Commission of Forestry may borrow from time to time sums of money not exceeding five hundred thousand dollars from any source available and issue evidence of indebtedness therefor in the form of notes or bonds, as may be determined by the Commission, at a rate of interest not exceeding six percent per annum, payable either annually or semi-annually, as the Commission may determine, and with such maturities as may be determined by the Commission, not exceeding, however, twenty years from the date of issue of the first obligation issued hereunder. The Commission may secure any sums borrowed under the terms hereof by mortgage of any property owned by it and it may also pledge any and all income of every kind and pledge any and all rents, incomes, issues and profits accruing to it from any of its properties and any rights or privileges accruing to it under any contract of sale or lease. Unless otherwise provided herein, all of the details of any loan and the manner of execution of the evidences of indebtedness and of the mortgage or other security authorized to be pledged shall be within the discretion of the Commission. (1933)

- 29-25. NO LIABILITY ON STATE; INCOME APPLIED TO PAYMENT. --The State is in no manner liable for any debt incurred under the terms of § 29-24 but all such obligations shall be met by the State Forestry Commission out of moneys coming into its hands from the property pledged and at least fifty percent of its income from sales, issues, rents, profits and leases shall be applied annually to the payment of principal and interest due on any such loan. (1933)
- 29-26. STATE NOT BOUND ON COMMISSION OBLIGATIONS. --Obligations for the acquisition of land incurred by the Commission under the authority of § 29-15 shall be paid solely and exclusively from revenues derived from such lands and shall not impose any liability upon the general credit and taxing power of the State. (1935, 1941)
- 29-27. Blank
- 29-28. USE OF REVENUES. --The revenues derived from lands owned by the Commission shall be segregated by the State Treasurer for the use of the Commission in the acquisition, management, development and use of such lands until all obligations incurred have been paid in full. Fifty percent of all net profits accruing from the administration of such lands shall be applicable for such purposes as the General Assembly may prescribe and fifty percent shall be paid into the school fund of the county in which the lands are located. (1935, 1941)
- 29-29. SAME; COUNTIES CONTAINING STATE FOREST LAND TO SHARE IN REVENUES. --The State Treasurer shall pay to any county containing State forest lands an amount equal to twenty-five percent of the gross proceeds received by the State in each fiscal year from the sale of timber, pulpwood, poles, gravel, land rentals and other privileges on such State forest lands in any such county. This provision shall apply to all State forest lands managed or operated by the State Commission of Forestry whether they be owned in fee by the State or leased from the United States, but this provision shall not apply to State parks. The funds herein provided for shall be spent for general school purposes. Where a particular State forest lies in more than one county or school district, the funds derived from such State forest and to be paid by the State Treasurer shall be apportioned on the basis of land acreage involved. All funds distributed under the provisions of this section shall be spent upon the approval of a majority of the county legislative delegation, including the Senator. (1957, 1958)

- 29-29.1. SAME; SCRUB OAK ERADICATION; REFORESTATION; TIMBER STAND IMPROVEMENT AND HARVEST CUTTING IN STATE PARKS. --(1) The State Commission of Forestry is hereby authorized to expend annually an amount not to exceed one-half the total receipts derived annually from the State parks (sale of timber products only) under the administration of the Commission in order to commence a program not exceeding seven years to carry out scrub oak eradication operations, timber stand improvement and other management activities on State park lands and for the reforestation of such treated areas. Provided, the State Commission of Forestry shall first expend such funds as are derived hereunder for necessary reforestation projects and fixtures within the park from which timber has been cut and only thereafter shall such funds be expended on other State parks. The other half of the total receipts derived annually from the State parks and all unexpended funds, at the end of each fiscal year, heretofore herein authorized to be spent by the State Commission of Forestry for the purposes herein stated, shall be deposited to the general fund of the State. Provided, the State Treasurer shall pay to any county containing State park lands an amount equal to twenty-five percent of the gross proceeds received by the State in each fiscal year from the sale of timber, pulpwood, and other timber products on such State parks lands in any such county, which said payments shall be in lieu of taxes. This provision shall apply to all State park lands managed or operated by the State Commission of Forestry whether they be owned in fee by the State or leased from the United States and irrespective of § 29-29. Where a particular State park lands lies in more than one county, the funds derived from such State park lands and to be paid by the State Treasurer shall be apportioned on the basis of land acreage involved. All funds distributed under the provisions of this section shall be spent upon the approval of a majority of the county legislative delegations, including the Senator. The Commission may enter into contracts with such persons as may be necessary in order to carry out the provisions of this section. All timber shall be cut consistent with good forestry practices and such cutting shall not impair the value of the State parks as to beauty or for recreational purposes and no such timber shall be cut without the approval of the State Budget and Control Board.
- (2) The program herein authorized shall commence as soon as is practicable after June 8, 1965. Provided, that no expenditures or contracts authorized by this section shall be made without the approval of the State Budget and Control Board. (Act No. 382 of 1965)

- 29-30. SAME; SCRUB OAK ERADICATION AND REFORESTATION IN MANCHESTER AND SANDHILLS STATE FORESTS. --The Commission may expend annually an amount not to exceed the total receipts derived annually from the State forests under the administration of the Commission in order to commence a program not exceeding seven years to carry out scrub oak eradication operations on the Manchester and Sandhills State Forests and for the reforestation of such treated areas at a minimum rate of four thousand acres annually. The Commission may enter into contracts with such persons as may be necessary in order to carry out the provisions of this section. The program authorized in this section shall commence as soon as is practicable after May 24, 1960. No expenditures or contracts authorized by this section shall be made without the approval of the State Budget and Control Board. The provisions of this section shall in no way affect the provisions of § 29-29. (1960)
- 29-30.1. SAME; USE OF INCOME FROM SANDHILLS STATE FOREST AND CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE. --The State Commission of Forestry is hereby authorized to use the income from the Sandhills State Forest and the Carolina Sandhills National Wildlife Refuge, in Chesterfield and Darlington Counties, for the purposes mutually agreed upon by the State Commission of Forestry and the United States, as provided in the Cooperative and License Agreement between the United States of America and the State of South Carolina, dated April 20, 1939, and to promulgate such rules and regulations as are necessary to carry out the purposes of this section. (Act No. 207 of 1967)

29-30.11. **FORESTRY DISTRICTS FOR FIRE PROTECTION ESTABLISHED.** --There are hereby created and established forty-six several respective forestry districts for fire protection of the forests of South Carolina. Each of the several respective forestry districts shall be composed of one of the several respective counties of the State of South Carolina, and shall be as follows and so numbered and designated, to wit:

Forestry District No. 1	Abbeville County
Forestry District No. 2	Aiken County
Forestry District No. 3	Allendale County
Forestry District No. 4	Anderson County
Forestry District No. 5	Bamberg County
Forestry District No. 6	Barnwell County
Forestry District No. 7	Beaufort County
Forestry District No. 8	Berkeley County
Forestry District No. 9	Calhoun County
Forestry District No. 10	Charleston County
Forestry District No. 11	Cherokee County
Forestry District No. 12	Chester County
Forestry District No. 13	Chesterfield County
Forestry District No. 14	Clarendon County
Forestry District No. 15	Colleton County
Forestry District No. 16	Darlington County
Forestry District No. 17	Dillon County
Forestry District No. 18	Dorchester County
Forestry District No. 19	Edgefield County
Forestry District No. 20	Fairfield County
Forestry District No. 21	Florence County
Forestry District No. 22	Georgetown County
Forestry District No. 23	Greenville County
Forestry District No. 24	Greenwood County
Forestry District No. 25	Hampton County
Forestry District No. 26	Horry County
Forestry District No. 27	Jasper County
Forestry District No. 28	Kershaw County
Forestry District No. 29	Lancaster County
Forestry District No. 30	Laurens County
Forestry District No. 31	Lee County
Forestry District No. 32	Lexington County
Forestry District No. 33	Marion County
Forestry District No. 34	Marlboro County
Forestry District No. 35	McCormick County

Forestry District No. 36	Newberry County
Forestry District No. 37	Oconee County
Forestry District No. 38	Orangeburg County
Forestry District No. 39	Pickens County
Forestry District No. 40	Richland County
Forestry District No. 41	Saluda County
Forestry District No. 42	Spartanburg County
Forestry District No. 43	Sumter County
Forestry District No. 44	Union County
Forestry District No. 45	Williamsburg County
Forestry District No. 46	York County

Each forestry district enumerated and designated herein shall have the same territory and territorial boundaries as the county which it represents and in which it is located. (1964)

- 29-30.12. GENERAL ASSEMBLY MAY ENACT FIRE PROTECTION LAWS. --The General Assembly may enact fire protection laws to protect the forests in each of the several respective forestry districts of the State as herein enumerated and designated and as authorized and provided by the amendment to § 34 of Article III, of the State Constitution of 1895, ratified February 13, 1963, by Act No. 28, "An Act To Ratify The Amendment To Section 34 of Article III Of The Constitution Of This State, Relating To The Prohibition Of Special Laws, So As To Empower The General Assembly To Divide The State Into Forestry Districts And To Enact Legislation For The Protection Of Forestry In The Districts," Acts and Joint Resolutions of the General Assembly of the State of South Carolina, 1963, page 23. (1964)
- 29-30.13. COMBINATION OF DISTRICTS INTO COMPACT FORESTRY DISTRICTS. --The General Assembly may combine any two or more of the forestry districts herein enumerated and designated into a compact forestry district and likewise may combine a forestry district or forestry districts with a compact forestry district and, also compact forestry districts with compact forestry districts. Provided, that the forestry districts or the compact forestry districts so combined, as herein provided, are contiguous. Provided, Further, that the fire protection laws of the forests of any compact forestry district are equal and uniform throughout such compact forestry district. The first compact forestry district created and established by combining two or more contiguous forestry districts, as herein provided, for fire protection of the forests of such compact forestry district by equal and uniform fire protection laws of the forests

throughout the compact forestry district shall be designated and enumerated as Compact Forestry District No. 1, and any following compact forestry districts shall be successively designated and enumerated in numerical order. The remaining forestry districts each composed of a single county shall be renumbered appropriately in successive numerical order as herein provided. (1964)

29-30.14. LOCAL ACTS VALIDATED AND CONTINUED IN EFFECT.

--The terms and provisions of Title 29, Forestry, Chapter 6, Local Provisions; Fire Protection, Volume 7, pages 163-192 (193), particularly the following Code sections, to wit:

- 29-101. Permit required to start fire on certain lands between October 15 and May 15; Aiken County.
- 29-101.1. Same; Charleston and Marlboro Counties.
- 29-101.2. Same; Clarendon and Williamsburg Counties.
- 29-102. Same; Georgetown County.
- 29-103. Same; Greenville County.
- 29-104. Same; Horry County
- 29-105. Same; Orangeburg County
- 29-105.1. Permit required to start fire on certain lands in Chesterfield County.
- 29-105.2. Notice to State Forester, authorization from owner and precautions required to start fire on certain lands; Beaufort and Collleton Counties.
- 29-105.3. Same; Hampton and Jasper Counties.,

are hereby validated and declared legal in all respects, and shall remain in full force and effect until amended or repealed. Henceforth the reference to:

(a) Aiken County by Code 29-101 shall be and apply to Forestry District No. 2;

(b) Charleston County by Code 29-101.1 shall be and apply to Forestry District No. 10;

Marlboro County by Code 29-101.1 shall be and apply to Forestry District No. 34;

(c) Clarendon County by Code 29-101.2 shall be and apply to Forestry District No. 14;

Williamsburg County by Code 29-101.2 shall be and apply to Forestry District No. 45;

(d) Georgetown County by Code 29-102 shall be and apply to Forestry District No. 22;

(e) Greenville County by Code 29-103 shall be and apply to Forestry District No. 23;

(f) Horry County by Code 29-104 shall be and apply to Forestry District No. 26;

(g) Orangeburg County by Code 29-105 shall be and apply to Forestry District No. 38;

(h) Chesterfield County by Code 29-105.1 shall be and apply to Forestry District No. 13;

(i) Beaufort County by Code 29-105.2 shall be and apply to Forestry District No. 7;

Colleton County by Code 29-105.2 shall be and apply to Forestry District No. 15;

(j) Hampton County by Code 29-105.3 shall be and apply to Forestry District No. 25;

Jasper County by Code 29-105.3 shall be and apply to Forestry District No. 27.

The terms and provisions of Act No. 125, "An Act Making It Unlawful To Start Fires In Lee County Except Under Certain Conditions And Providing Penalties For Violations," approved April 18, 1963, to take effect July 1, 1963, Acts and Joint Resolutions of the General Assembly of the State of South Carolina, 1963, page 125 (29-105.4), are hereby validated and declared legal in all respects, and shall remain in full force and effect until amended or repealed; and henceforth reference to Lee County by the act shall apply to Forestry District No. 31. (1964)

29-30.15. LAWS APPLICABLE TO ALL FORESTRY DISTRICTS. --

The State laws in force on March 6, 1964 affecting forestry shall, until changed, apply to all of the forestry districts and compact forestry districts of the State, except where otherwise specified, and all laws of the State thereafter enacted shall apply to the entire State except where otherwise specified. (1964)

29-30.16. DUTY OF SHERIFFS, DEPUTIES, CONSTABLES, RURAL POLICEMEN AND OTHER OFFICERS. --It shall be the positive duty of all sheriffs, deputy sheriffs, constables, rural policemen, and special officers to actively cooperate with the South Carolina Commission of Forestry and the State Forester in the enforcement of the forestry laws of the State. (1964)

Act No. 790 of 1964.

REGISTRATION OF FORESTERS

29-31. DEFINITIONS. --(1) "Registered forester" shall mean a person who has registered and qualified under this chapter to engage in professional forestry practices as defined in this section.

(2) "Forestry" or "practice of forestry" shall mean any professional service relating to forestry, such as consultation, investigation, evaluation, planning or responsible supervision of forest management, protection, silviculture, measurements, utilization, economics, education, or other forestry activities in connection with any public or private lands.

(3) "Board" shall mean the State Board of Registration for Foresters, provided for by this chapter. (1961)

29-32. STATE BOARD OF REGISTRATION FOR FORESTERS
CREATED; MEMBERS; APPOINTMENTS; TERMS;
VACANCIES. --A State Board of Registration for Foresters is hereby created whose duty it shall be to administer the provisions of this chapter. The Board shall consist of five foresters, who shall be appointed by the Governor from among ten nominees recommended by the Foresters Council of South Carolina and who shall have the qualifications required by § 29-33. Each member of the Board shall be commissioned by the Governor and, before beginning his term of office, shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. The five members of the initial Board were appointed for terms of one, two, three, four and five years, respectively, such terms beginning on the first day of June 1961. On the expiration of the term of any member of the initial Board, three nominees recommended by the Foresters Council of South Carolina shall be submitted to the Governor from which he shall appoint for a term of five years a registered forester having the qualifications required by § 29-33 to take the place of the member whose term on the Board is expiring. Any vacancy occurring for a reason other than the expiration of office shall be filled by the Governor from three nominees recommended by the Foresters Council of South Carolina to fill the unexpired term of such member. If the Governor fails to make appointment in ninety days after expiration of any term, the Board shall make the necessary appointment. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified. (1961)

- 29-33. QUALIFICATIONS OF BOARD MEMBERS. --Each member of the Board shall be a citizen of the United States and a resident of this State and shall have been engaged in the practice of forestry for at least ten years. (1961)
- 29-34. COMPENSATION AND EXPENSES. --Every member of the Board shall receive a per diem allowance when actually attending to the work of the Board or any of its committees and for the time spent in necessary travel and, in addition thereto, shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter. (1961)
- 29-35. REMOVAL OF BOARD MEMBERS. --The Governor may remove any member of the Board for misconduct, incompetency, or neglect of duty. (1961)
- 29-36. MEETINGS; OFFICERS. --The Board shall hold at least two regular meetings each year. Special meetings shall be held at such time and place as the bylaws of the Board may provide. Notice of all meetings shall be given in such manner as the bylaws may provide. The Board shall elect or appoint annually the following officers: A chairman, a vice-chairman, and a secretary. (1961)
- 29-37. BOND AND SALARY OF SECRETARY. --The secretary of the Board shall give a surety bond to the State in such sum as the Board may determine. The premium on such bond shall be regarded as a proper and necessary expense of the Board and shall be paid out of the fund of the Board of Registration for Foresters. The secretary shall receive such salary as the Board shall determine in addition to the expenses provided for in § 29-34. (1961)
- 29-38. BYLAWS AND RULES. --The Board may adopt and amend all bylaws and rules of procedure, not inconsistent with the Constitution and laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulation of the proceedings before it. (1961)
- Cross reference--For rules and regulations promulgated under authority of this section see Rules and Regulations, Volume 17, "Foresters, The South Carolina Board of Registration for."
- 29-39. SEAL. --The Board shall adopt and have an official seal. (1961)

29-40. POWER OF SUBPOENA; SWEARING WITNESSES; WITNESSES' FEES. -- In carrying into effect the provisions of this chapter the Board may, under the hand of its chairman and the seal of the Board, subpoena witnesses and compel their attendance and may also require the production of books, papers, and documents in a case involving the revocation of a license or practicing or offering to practice without a license under the title of registered forester. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. Such witnesses officially called by the Board shall receive the same compensation and shall be reimbursed for expenses as is provided for witnesses in the court of common pleas in the county in which this Board may sit. (1961)

29-40.1. RECORDS; ANNUAL REPORT. -- The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show (a) the name, age, and residence of each applicant, (b) the date of the application, (c) the place of business of such applicant, (d) his educational and other qualifications, (e) whether or not an examination was required, (f) whether the application was rejected, (g) whether a license was granted, (h) the date of the action of the Board, and (i) such other information as may be deemed necessary by the Board. The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof duly certified by the secretary of the Board under seal shall have the same force and effect as if the original were produced. Annually, as of June thirtieth, the Board shall submit to the Governor a report of its transactions of the preceding year. (1961)

29-40.2. FORESTERS TO BE LICENSED; EXCEPTIONS. -- (1) No person shall use in connection with his name or otherwise assume, use or advertise any title or description tending directly or indirectly to convey the impression that he is a registered forester, without first having been licensed and registered as a registered forester as provided in this chapter.

(2) Except as specifically authorized in this section, no person shall engage in the practice of professional forestry as defined in this chapter or in any manner advertise or hold himself out as engaged in such practice without first being licensed as a registered forester under this chapter.

(3) Notwithstanding subsection 2 of this section or any other provision of this chapter, nothing herein shall be

construed as preventing or prohibiting any person from managing or otherwise conducting forestry practices on land owned, leased, rented or held by such person, nor shall anything herein prohibit any regular employee or official or any person from engaging in professional or other forestry practices on lands owned, leased, rented or held by such person, nor shall anything herein prohibit any person from practicing forestry under supervision as authorized in this section, so as to qualify for licensing as provided in § 29-40.3. Also, notwithstanding the provisions of subsections (1) and (2) of this section, any landowner or person in possession of lands in this State under lease may employ any person whom he may desire for services relating to forestry such as consultation, evaluation, protection, measurements or determining the number of board feet in trees located or situated upon the land whether such person be a registered forester or not. Also, notwithstanding subsection (2) of this section or any other provision of this chapter, nothing herein shall be construed as preventing or prohibiting professional employees of public agricultural agencies from rendering forestry information, education, demonstration and conservation planning in line of duty; provided, that such employees do not represent themselves to be professional foresters unless properly licensed or registered under the provisions of this chapter.

(4) It is the purpose of this chapter to protect the public by improving the standards relative to the practice of professional forestry, and the provisions of this chapter shall apply to State Foresters.

(5) Nothing herein provided shall prohibit any forestry work by unlicensed persons working under the supervision of a registered forester. (1961)

29-40.3. REQUIREMENTS FOR QUALIFICATION AS REGISTERED FORESTER. --The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a registered forester:

(1) Graduation from a curriculum in forestry of four years or more in a department, school or college approved by the Board and a specific record of an additional two years' or more experience in forestry of a character satisfactory to the Board and indicating that the applicant is competent to practice forestry; or

(2) Successfully passing a written examination designed to show knowledge and skill approximating that obtained through graduation from an approved four-year curriculum in forestry, and a specific record of six years or more of practice in forestry of a character satisfactory to the Board and indicating that the applicant is competent to practice forestry.

The Board shall issue licenses only to those applicants who meet the requirements of this section; provided, that no person shall be eligible for registration as a registered forester who is not of good character and reputation. The completion of the junior year of a curriculum in forestry in a school or college approved by the Board shall be considered as equivalent to two years of practice; the completion of the senior year of a curriculum in forestry, without graduation, in a school or college approved by the Board shall be considered as equivalent to three years of practice. (1961)

29-40.4. APPLICATION FOR REGISTRATION; REGISTRATION AND APPLICATION FEES. --Applicants for registration shall make application on forms prescribed and furnished by the Board. The applications shall contain statements made under oath showing the applicant's education and a detailed summary of his technical work and shall include not less than five references, of whom three or more shall be foresters having personal or professional knowledge of his forestry experience. The registration fee for a license as a registered forester shall be fifteen dollars, ten dollars of which shall accompany the application, the remaining five dollars of which is to be paid upon issuance of license. Should the applicant fail or refuse to remit the remaining five dollars within thirty days after being notified that he has successfully qualified, the applicant shall forfeith the right to have a license issued and the applicant may be required to again submit an original application and pay an original fee therefor. Should the Board deny the issuance of a license to any applicant, the initial fee deposited shall be retained by the Board as an application fee. (1961)

29-40.5. EXAMINATIONS AND RE-EXAMINATIONS. --When written examinations are required, they shall be held at such time and place as the Board shall determine. The methods of procedure shall be prescribed by the Board. A candidate failing on examination may apply for re-examination at the expiration of six months and will be re-examined without payment of an additional fee. Subsequent examination will be granted upon payment of a fee to be determined by the Board. (1961)

29-40.6. ISSUANCE AND CONTENTS OF LICENSES. --The Board shall issue a licence upon payment of a registration fee as provided for in this chapter to any applicant who, in the opinion of the Board, has satisfactorily met all of the requirements of this chapter. Licenses shall show the full name of the registrant,

shall have a serial number and shall be signed by the chairman and the secretary of the Board under seal of the Board. The issuance of a license by the Board shall be evidence that the registrant is entitled to all the rights and privileges of a registered forester while his license remains unrevoked or unexpired. (1961)

29-40.7. ONLY INDIVIDUALS TO BE LICENSED. --Registration shall be determined upon a basis of individual personal qualifications. No firm, company, partnership, or corporation shall be licensed. (1961)

29-40.8. REGISTERING PERSONS LICENSED BY OTHER STATES OR COUNTRIES. --Any person of good moral character licensed to practice forestry by any other state or country whose requirements are commensurate with the requirements of this State may, upon payment of fifteen dollars, be registered and licensed to practice forestry in this State, with renewal privileges as set forth in § 29-40.9. (1961)

29-40.9. EXPIRATION AND RENEWAL OF LICENSES; RENEWAL FEES. --Licenses shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the Board to notify, at his last registered address, every person registered under this chapter of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for one year. Such notice shall be mailed at least one month in advance of the date of the expiration of such license. The Board shall, each year, prior to issuing renewal notices for the ensuing year, fix the annual renewal fee for licenses, which fee shall not exceed the sum of ten dollars. Renewal of licenses for the following year may be effected at any time during the month of June of the year in which such license has been issued or renewed by the payment of the renewal fee so fixed by the Board. Such licenses may also be renewed during the ensuing ten months by the payment of an additional fee of fifty cents for each month or fraction thereof that payment of the fixed renewal fee is delayed beyond the month of June. The Board shall make an exception to the foregoing renewal provisions in the case of a person who is in the Armed Services of the United States. (1961)

29-40.10. REVOCATION OF LICENSES; CHARGES; HEARINGS; JUDICIAL REVIEW; REISSUANCE. --The Board may revoke the license of any registrant who is found guilty by the Board of gross negligence, incompetency, or misconduct in the practice of forestry. The Board may designate a person or

persons to investigate and report to it upon any charges of fraud, deceit, gross negligence, incompetency, or other misconduct in connection with any forestry practice against any registrant as may come to its attention. Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct in connection with any forestry practice against any registrant. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the Board. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred. The time and place for the hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on, or mailed to the last known address of such registrant at least thirty days before the date fixed for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense. If, after such hearing, the Board finds the accused guilty, the Board shall revoke the license of such registered forester. Any applicant whose license has been revoked may apply for a review of the proceedings with reference to such revocation of his license in the circuit courts of this State. Such review shall be upon the record made before the Board. Petition for review of this act of the Board shall be served upon the Board within ten days from the date of the service of the order or decision of the Board upon such person. Upon service upon it of a petition for review, the Board shall within fifteen days certify the record made before it to the clerk of the circuit court. The Board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked. (1961)

- 29-40.11. REPLACEMENT OF LICENSES; FEE. --A new license to replace any license revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the Board. A charge of three dollars shall be made for such issuance. (1961)
- 29-40.12. ROSTER OF REGISTERED FORESTERS. --A roster, showing the names and places of business of all registered foresters qualified according to the provisions of this chapter, shall be prepared by the secretary of the Board during the month of July of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State, and furnished to the public on request. (1961)

- 29-40.13. REGISTRANTS TO ENDORSE DOCUMENTS; ILLEGAL ENDORSEMENTS. --Plans, maps, specifications, and reports issued by a registrant shall be endorsed with his name and license number, and it shall be a misdemeanor for anyone to endorse any documents after his license has expired or has been revoked. It shall be a misdemeanor for any registered forester to endorse any plan, specification, estimate, or map unless he shall have actually prepared such plan, specification, estimate, or map, or shall have been in actual charge of the preparation thereof. (1961)
- 29-40.14. RECEIPTS AND EXPENDITURES BY BOARD. --The secretary of the Board shall receive and account for all moneys derived under the provisions of this chapter and shall pay them to the State Treasurer, who shall keep such moneys in a separate fund to be known as the fund of the State Board of Registration for Foresters. Such fund shall be kept separate and apart from all other moneys in the State Treasury and shall be paid out only by warrants regularly drawn by the chairman and secretary of the Board. All moneys in the fund of the State Board of Registration for Foresters are hereby specifically appropriated for the use of the Board. Under no circumstances shall the total amount of warrants issued by the Comptroller General in payment of the expenses and compensation provided for in this chapter exceed the amount of the examination, registration, and renewal fees collected as provided in this chapter. (1961)
- 29-40.15. PENALTIES. --Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court. (1961)

Code of Laws of South Carolina, 1962
Volume 7, Title 29, Chapter 3
EMERGENCY POWERS OF GOVERNOR

- 29-41. PROCLAMATION FORBIDDING USE OF FIRE IN WOODLANDS WHEN CONDITIONS ABNORMAL; ANNULMENT. --Whenever by reason of a drought, low humidity, high winds, and other conditions, the forests and woodlands in the State are in danger of fires, the Governor, upon recommendation of the State Forester, may in the interest of public safety and the preservation of natural resources, have authority by proclamation to forbid the use of fire therein. When the Governor is satisfied that the occasion has passed for maintaining the provisions of the proclamation he shall annul it by another proclamation. (1955)
- 29-42. STARTING FIRES OR THROWING BURNING MATERIALS IN PROTECTED AREAS. --During such periods and in such areas as the Governor shall proclaim, it shall be unlawful for any person to build or ignite any fire of any nature, or for any person to throw or cause to be thrown any matches, ashes, tobacco or other burning material on or adjacent to forests, woodlands, brushlands, or grasslands under protection from forest fires. It shall be unlawful to burn or cause to be burned any right of way. (1955)
- 29-43. FIRES IN MUNICIPALITIES AND CULTIVATED LANDS ENCLOSED BY FIREBREAKS EXCEPTED. --The provisions of this chapter shall not apply to fires which may be started within the corporate limits of any town or city, and to cultivated lands enclosed by firebreaks which will prevent the spread of fire to adjacent forests, woodlands, brushlands, or grasslands. (1955)
- 29-44. PENALTIES. --Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not more than thirty days. (1955)

FOREST PEST OUTBREAKS

29-65. DEFINITIONS. --For the purpose of this chapter:

(a) "Forest pest" means any insect, disease or closely related organism which is harmful, injurious, or destructive to forests or timber.

(b) "Forest land" or "forest" means land supporting a stand or potential stand of trees valuable for timber products, watershed or wildlife protection, recreational uses, or for other purposes.

(c) "Timber" includes forest trees standing or down, alive or dead, and shall include shade trees of any species around houses, along highways, within cities and towns, and any other locations which constitute insect and disease menaces to nearby timber trees or forests.

(d) "Control zone" means an area of potential or actual forest pest outbreak with designated boundaries clearly described in a manner to definitely identify the zone.

(e) "Outbreak" means the existence of populations of a forest pest in such proportions as to threaten forests or timber and the benefits derived from them.

(f) "Action programs" shall mean those programs which are necessary to detect, control, suppress or eradicate forest pests which are in outbreak proportion. (1963)

29-65.1. STATE COMMISSION OF FORESTRY TO DETECT AND CONTROL FOREST PEST OUTBREAK. --The purpose and intent of this chapter is to place with the State Commission of Forestry the authority and responsibility for action programs to detect and control forest pest outbreaks in South Carolina. The establishment of quarantine regulations and other actions to prevent the introduction into or the spread of introduced forest pests in South Carolina shall remain the responsibility of the State Crop Pest Commission, and the provisions of this chapter shall not abrogate or change any power or authority vested in the State Crop Pest Commission except as defined herein in regard to action programs to detect and control forest pests. (1963)

29-65.2. DUTIES OF COMMISSION AS TO FOREST PEST OUTBREAKS. --Whenever a forest pest outbreak is suspected, the State Commission of Forestry shall make surveys and observations, consulting with the State Crop Pest Commission's technical personnel for assistance with evaluation of pest populations and survey data. If the State Commission of Forestry determines that a forest pest outbreak exists

and control measures are deemed necessary, it shall:

(a) Establish a control zone, and designate and clearly describe the boundaries.

(b) Give notice to all affected forest landowners within the control zone of the existence of the control zone and the actions to be taken under this chapter.

(c) Be responsible for surveys in conjunction with the determined action programs. (1963)

29-65.3. **AUTHORITY OF COMMISSION AS TO UNCONTROLLED OUTBREAKS.** --Whenever the State Commission of Forestry determines that a forest pest outbreak cannot be or is not being controlled by the forest landowners in the control zone, the State Commission of Forestry is authorized to:

(a) Take necessary measures to control the forest pest.

(b) Procure necessary equipment, supplies and services to control, suppress, or eradicate the forest pest.

(c) Enter into agreements with the United States Forest Service or other federal or State agencies, corporations, and others to carry out the provisions of this chapter. (1963)

29-65.4. **COMMISSION OR ITS AGENTS MAY ENTER PROPERTY TO INVESTIGATE OR CONTROL FOREST PESTS.** --The State Commission of Forestry or its authorized agents shall have the power to go upon any land in the State to investigate, take measures to control, suppress, or eradicate forest pests. If any person refuses to allow the State Commission of Forestry or its agents to go upon his land to carry out the purposes of this chapter, or interferes with the investigation and control of forest pests, the State Commission of Forestry may apply to any court of competent jurisdiction for an injunction or other appropriate means to restrain the person from interfering with the State Commission of Forestry or its agents. (1963)

29-65.5. **DISSOLUTION OF CONTROL ZONES.** --When the State Commission of Forestry determines that pest control work within an established control zone is no longer necessary or feasible, the State Commission of Forestry shall dissolve the zone. (1963)

Code of Laws of South Carolina, 1962
Volume 7, Title 29, Chapter 4
SOUTH CAROLINA FOREST FIRE PROTECTION ACT

- 29-51. TITLE OF CHAPTER.--This chapter shall be cited as the "South Carolina Forest Fire Protection Act." (1945)
- 29-52. FOREST LAND DEFINED.--For the purpose of this chapter all lands shall be construed as "forest land" which have enough forest growth, standing or down, or have sufficient inflammable debris or grass, outside of corporate limits, to constitute, in the judgment of the State Commission of Forestry, a fire menace to itself or adjoining lands. (1945)
- 29-53. FOREST FIRE DEFINED.--The term "forest fire", as used in this chapter, means any fire burning uncontrolled on any land covered wholly or in part by timber, brush, grass or other inflammable vegetation. (1945)
- 29-54. STATE COMMISSION OF FORESTRY TO DIRECT FOREST FIRE PROTECTION WORK.--All forest fire protection work shall be under the direction and supervision of the State Commission of Forestry, through the State Forester, subject to the provisions of this chapter and the laws of the State enacted relative to forestry and forest fire prevention and suppression. (1945)
- 29-55. COUNTY FORESTRY BOARDS.--There shall be set up in each county a board, to be known as the county forestry board, consisting of five members, who shall be appointed by the State Commission of Forestry on the recommendation of a majority of the county legislative delegation in the House of Representatives and the Senator of such county. The members shall be residents of the county from which they are appointed. Change of residence from the county shall terminate the appointment. The initial term of all the members of the county forestry boards having been one for one year, one for two years, one for three years, one for four years, and one for five years, the terms of the members of each board since appointed have been and shall hereafter be for five years, each member holding office until his successor is appointed, so that one member shall be appointed annually. In case of a vacancy or termination of appointment on a county forestry board, such vacancy shall be filled in the same manner as provided for the appointment of members thereof, except that if a vacancy shall exist in the office of member of a county forestry board for more than two months the then existing members of the county forestry board may

recommend for appointment some suitable person to fill such vacancy and the State Commission of Forestry shall make the appointment on such recommendation. (1945)

- 29-56. DUTIES AND POWERS OF BOARDS; EMPLOYEES. --The county boards shall assist in the efficient performance of the requirements of this chapter and the general conduct of the forestry program in the county. They shall review, revise and adopt the annual forest fire protection plan and the county ranger, fire wardens, towermen and all other county forest fire protection officers shall be employed, retained or dismissed only with the consent of the county forestry board. The county ranger, fire wardens and towermen and all other county officers of the county board shall be residents of the county in which they are so employed. (1945)
- 29-57. PLANS FOR FOREST FIRE PROTECTION; RULES AND REGULATIONS. --The State Commission of Forestry shall prepare for each county forestry board a plan for forest fire protection for the fiscal year and present such plan at the July meeting of the board. It shall have power to make and enforce all rules and regulations necessary for the administration of forest fire protection. (1945)
- 29-58. ACCESS TO PROPERTY. --The State Commission of Forestry, any of its authorized agents and any member of a county forestry board may, at any or all times, go upon any land for the purpose of preventing or controlling forest fires, as defined herein, without making themselves liable for trespassing. (1945)
- 29-59. TITLE TO PROPERTY ACQUIRED. --The title to all property acquired incident to carrying out the provisions of this chapter shall be vested in the State Commission of Forestry. (1945)
- 29-60. Blank
- 29-61. BURNING OF LANDS BY OWNERS. --Nothing in this chapter shall be construed as limiting or restricting the owners of any forest land in burning over their own land when the fire is not allowed to spread onto or over the land of another or others. (1945)

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

29-71. GOVERNOR MAY EXECUTE COMPACT; LEGISLATIVE APPROVAL. --The Governor on behalf of this State may execute a compact, in substantially the form set out in § 29-72, with any one or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia and West Virginia, and the legislature hereby signifies in advance its approval and ratification of such compact. (1954)

29-72. TERMS OF COMPACT.---

ARTICLE I.

The purpose of this compact is to promote effective prevention and control of forest fires in the southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements, and for more adequate forest protection.

ARTICLE II.

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, which are contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the legislature of each of the member states.

ARTICLE III.

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said members, they shall be designated in accordance with laws of that state; and the governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

ARTICLE IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combatting, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

ARTICLE V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering

aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance, or use of any equipment or supplies in connection therewith; Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and subsistence of employees and maintenance of equipment incurred in connection with such request; Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

ARTICLE VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member states.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any Federal agency and a member state or states.

ARTICLE VII.

The compact administrators may request the United States Forest Service to act as a research and coordinating agency of the Southeastern Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state and the United States Forest Service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any Federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

ARTICLE VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region; Provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

ARTICLE IX.

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be

effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact. (1954)

29-73. EFFECTIVE DATE; EXCHANGE OF DOCUMENTS. -- When the Governor shall have executed such compact on behalf of this State and shall have caused a verified copy thereof to be filed with the Secretary of State, and when such compact shall have been ratified by one or more of the states named in § 29-71, then such compact shall become operative and effective as between this State and such other state or states. The Governor shall take such action as may be necessary to complete the exchange of official documents as between this State and any other state ratifying such compact. (1954)

29-74. STATE FORESTER TO ACT AS COMPACT ADMINISTRATOR; ADVISORY COMMITTEE OF SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT. -- In pursuance of Article III of the compact as set out in § 29-72, the State Forester of the State Commission of Forestry shall act as compact administrator for the State of South Carolina during his term of office as State Forester, and his successor as compact administrator shall be his successor as State Forester. As compact administrator he shall be an ex officio member of the Southeastern Interstate Forest Fire Protection Compact advisory committee, and chairman ex officio of the South Carolina members of such advisory committee. There shall be four members of the advisory committee from this State. Two of the members from this State shall be members of the General Assembly, one from the Senate and one from the House of Representatives, designated by the South Carolina Commission on Interstate Cooperation, and the terms of any such members shall terminate at the time they cease to hold legislative office, and their successors as members shall be named in like manner. The Governor shall appoint the other two members from this State, one of whom shall be associated with forestry or forest products industries. The terms of such members shall be three years and such members shall hold office until their respective successors shall be appointed and qualified. Vacancies occurring in the office of such members from any reason or cause shall be filled by appointment by the Governor for the unexpired term. The State Forester as compact administrator for this State may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the compact

administrators or of the advisory committee. The terms of each of the initial four memberships of the advisory committee, whether appointed at such time or not, shall begin upon the date upon which such compact shall become effective in accordance with Article II of the compact. Any member of the advisory committee may be removed from office by the Governor upon charges and after a hearing. (1954)

29-75. POWERS AND DUTIES OF STATE FORESTER AND ADVISORY COMMITTEE; STATE OFFICERS, BUREAUS, DEPARTMENTS AND EMPLOYEES TO COOPERATE. --There is hereby granted to the State Forester, as compact administrator and chairman ex officio of the South Carolina members of such advisory committee, and to the members from this State of the advisory committee all the powers provided for in the compact and all the powers necessary or incidental to the carrying out of such compact in every particular. All officers of the State shall do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the compact in every particular; it being hereby declared to be the policy of this State to perform and carry out the compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the State government or administration of this State shall at convenient times and upon request of such compact administrator, or of such advisory committee, furnish information and data relating to the purposes of the compact possessed by them or any of them to the compact administrator or the advisory committee. They may further aid the compact administrator or the advisory committee by loan of personnel, equipment or other means in carrying out the purposes of the compact. (1954)

29-76. CHAPTER NOT TO LIMIT POWERS OF STATE COMMISSION OF FORESTRY. --Any powers granted in this chapter to the State Commission of Forestry shall be regarded as in aid of and supplemental to, and in no case a limitation upon, any of the powers vested in the Commission by other laws of the State of South Carolina or by the laws of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia, and West Virginia or by the Congress or the terms of such compact. (1954)

AN ACT TO PROHIBIT THE STARTING OF FIRES IN ANY COUNTY OF THE STATE, EXCEPT UNDER CERTAIN CONDITIONS; TO PROVIDE PENALTIES FOR VIOLATIONS; AND TO REPEAL SECTIONS 29-101 THROUGH 29-105.3, CODE OF LAWS OF SOUTH CAROLINA, 1962, AND ACTS NOS. 125 of 1963, 97, 119, 165, 172, 227 AND 310 of 1965, 1017 of 1966, 47, 93, 147, 213, 243, 297, 345 AND 484 of 1967 AND 1065, 1110, 1145, 1164, 1291 AND 1296 of 1968, ALL RELATING TO THE STARTING OF FIRES IN ABBEVILLE, AIKEN, ALLENDALE, ANDERSON, BEAUFORT, BERKELEY, CHARLESTON, CHESTER, CHESTERFIELD, CLARENDON, COLLETON, DARLINGTON, DORCHESTER, FAIRFIELD, GEORGETOWN, GREENVILLE, GREENWOOD, HAMPTON, HORRY, JASPER, KERSHAW, LANCASTER, LEE, LEXINGTON, MARLBORO, McCORMICK, NEWBERRY, OCONEE, ORANGEBURG, PICKENS, SPARTANBURG, UNION, WILLIAMSBURG AND YORK COUNTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It shall be unlawful for any owner or lessee of land or any employee of such owner or lessee or other person to start, or cause to be started, a fire in any woodlands, brushlands, grasslands, ditchbanks, or hedgerows or in any debris, leaves or other flammable material adjacent thereto, except under the following conditions:

(a) Proper notification shall be given to the state forester, or his duly authorized representative or other persons designated by the state forester. The notice shall contain all information required by the state forester or his representative.

(b) Such persons shall have cleared around the area to be burned and have immediately available sufficient equipment and personnel to adequately secure the fire and prevent its spread.

(c) The person starting the burning shall supervise carefully the fire started and have it under control prior to leaving the area.

SECTION 2. A lessee of any land, or any employee of any landowner or lessee of land, or other person, must receive prior authorization from the landowner to conduct such burning, in addition to complying with the other provisions of this act.

SECTION 3. The provisions of this act shall not apply to fires which may be started within the corporate limits of any town or city.

SECTION 4. No burning shall be carried out during any period which the Governor has declared that an emergency exists in connection with forest fires.

SECTION 5. The state forester may direct at any time, when deemed necessary in the interest of public safety, that fires covered by this act not be started.

SECTION 6. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not less than ten days nor more than thirty days. For any second or subsequent offense, a fine of not less than twenty-five dollars nor more than three hundred dollars or imprisonment for not more than six months may be imposed in the discretion of the court. "Subsequent offense," as used in this section, shall mean an offense committed within ten years of a previous offense.

SECTION 7. Sections 29-101 through 29-105.3 of the 1962 Code and Acts Nos. 125 of 1963, 97, 119, 165, 172, 227 and 310 of 1965, 1017 of 1966, 47, 93, 147, 213, 243, 297, 345 and 484 of 1967, and 1065, 1110, 1145, 1164, 1291 and 1296 of 1968 are repealed.

SECTION 8. This act shall take effect upon approval by the Governor

Approved by Governor June 24, 1969.

3-46 FIRING TURPENTINE FARMS. --It shall be unlawful for any person to set fire to any woods so near to any turpentine farm in this State as to injure or burn any such farm; and whoever shall wilfully and maliciously set fire to any woods at any time, whereby any such farm is injured or burned, shall be adjudged guilty of a misdemeanor and liable to be punished at hard labor in the Penitentiary for a period of one year or fined in the sum of five hundred dollars. (1876, 1960)

16-315. BURNING LANDS OF ANOTHER WITHOUT CONSENT. --It shall be unlawful for any person without prior written consent of the landowner or his agent to intentionally set fire to lands of another, or to intentionally cause or allow fire to spread to lands of another, whereby any woods, fields, fences or marshes of any other person are burned. Any person violating the provisions of this section shall, upon conviction, be punished as follows: (a) For the first offense, by a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both, (b) for a second or subsequent offense, by a fine of not more than five thousand dollars, or imprisonment for not more than five years. (1967)

16-316. CARRYING FIRE ON LANDS OF ANOTHER WITHOUT PERMIT. --It shall be unlawful for any person to carry a lighted torch, chunk or coals of fire in or under any mill or wooden building or over and across any of the enclosed or unenclosed lands of another person at any time without the special permit of the owner of such lands, mill or wooden building, whether any damage result therefrom or not. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment in the county jail for a term not to exceed thirty days or a fine not to exceed one hundred dollars. (1891)

16-317. WILFULLY BURNING LANDS OF ANOTHER. --Whoever shall wilfully and maliciously set fire to or burn any grass, brush or other combustible matter, so as thereby any woods, fields, fences or marshes of any other person or persons be set on fire or cause such burning to be done, or cause or allow fire to spread to or to be transmitted to the lands of another, or be thereunto aiding or assisting, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned for not less than one year nor more than five years, and shall, moreover, be liable to the action of any person who may have sustained damage thereby. (1787, 1857, 1891, 1919, 1940, 1956, 1960)

16-318. NEGLIGENCELY ALLOWING FIRE TO SPREAD TO LANDS OR PROPERTY OF ANOTHER. --Any person who carelessly or negligently sets fire to or burns any grass, brush, leaves or other combustible matter on any lands so as to cause or allow fire to spread or to be transmitted to the lands or property of another, or to burn or injure the lands or property of another, or who causes such burning to be done or who aids or assists in such burning, shall be guilty of a misdemeanor and upon conviction shall be imprisoned for a period of not less than twenty nor more than thirty days or be fined not less than twenty-five dollars nor more than one hundred dollars, or both, in the discretion of the court. For a second or subsequent offense the sentence shall be imprisonment for not less than thirty days nor more than one year, or a fine of not less than one hundred dollars nor more than five hundred dollars, or both, in the discretion of the court. (1940, 1958)

58-1198. RESPONSIBILITY FOR DAMAGES BY FIRE. --Every railroad corporation shall be responsible in damages to any person whose buildings or other property may be injured by fire communicated by its locomotive engines or originating within the limits of the right of way of such road in consequence of the act of any of its authorized agents or employees, except when property shall have been placed on the right of way of such corporation unlawfully or without its consent, and each such corporation shall have an insurable interest in the property upon its route for which it may be so held responsible and may procure insurance thereon in its own behalf. (1881)

- 16-385.1. CUTTING, REMOVING OR TRANSPORTING TIMBER, LOGS OR LUMBER WITHOUT PERMISSION. --It shall be unlawful for anyone to knowingly or wilfully cut, destroy or remove any trees or timber of any kind standing or growing on any lands of this State, whether privately or publicly owned, or to remove any logs or trees cut from any such lands without the consent of the owner. It shall also be unlawful for anyone who is the owner, master, pilot, operator or consignee of any vessel, vehicle, motor vehicle, aircraft or the owner, director or agent of any railroad to transport any timber or logs or the lumber manufactured therefrom knowing them to have been cut or removed from such property. Anyone violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than two thousand dollars and imprisoned not more than two years, or both; Provided, that if the value of such trees, logs or lumber is fifty dollars or less, the penalty shall not exceed a fine of one hundred dollars or imprisonment for thirty days, or both. (1960)

LIMITATION OF LIABILITY OF CERTAIN LANDOWNERS

- 51-81. PURPOSE OF CHAPTER. --The purpose of this chapter is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes. (1968)
- 51-82. DEFINITIONS. --As used in this chapter:
- (a) "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty.
 - (b) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.
 - (c) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, summer and winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.
 - (d) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land.
 - (e) "Persons" means individuals regardless of age. (1968)
- 51-83. DUTY OF CARE OWED BY LANDOWNERS. --Except as specifically recognized by or provided in § 51-86, an owner of land owes no duty of care to keep the premises safe for entry or use by persons who have sought and obtained his permission to use it for recreational purposes or to give any warning of a dangerous condition, use, structure, or activity on such premises to such persons entering for such purposes. (1968)
- 51-84. EFFECT OF PERMISSION TO USE PROPERTY FOR RECREATIONAL PURPOSES. --Except as specifically recognized by or provided in § 51-86, an owner of land who permits without charge any person having sought such permission to use such property for recreational purposes does not thereby:
- (a) Extend any assurance that the premises are safe for any purpose.
 - (b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.
 - (c) Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons. (1968)

51-85. APPLICATION OF §§ 51-83 AND 51-84 TO LAND LEASED TO STATE OR POLITICAL SUBDIVISIONS. --Unless otherwise agreed in writing, the provisions of §§ 51-83 and 51-84 shall be deemed applicable to the duties and liability of an owner of land leased to the State or any subdivision thereof for recreational purposes. (1968)

51-86. CERTAIN LIABILITY NOT LIMITED. --Nothing in this chapter limits in any way any liability which otherwise exists:

(a) For grossly negligent, willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity.

(b) For injury suffered in any case where the owner of land charges persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the State or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this section. (1968)

51-87. CONSTRUCTION OF CHAPTER. --Nothing in this chapter shall be construed to:

(a) Create a duty of care or ground of liability for injury to persons or property.

(b) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this chapter to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care. (1968)

(Act No. 1284 of 1968)

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